

April 5, 2016

Mariana Antonison
Palm Bay International, Inc.
VIA E-MAIL

RE: Lunetta Instant Rebate Promotions

Dear Ms. Antonison:

ISSUE: This correspondence is in response to your e-mail of March 21, 2016, wherein you request legal review of a pair of proposed instant rebate promotions to be conducted in Pennsylvania.

According to your description, the coupons will be housed within a booklet of cocktail recipes. The first coupon offers consumers a rebate of \$5.00 on the purchase of any two 750ml bottles of Lunetta Prosecco or Sparkling Rose wine. The second coupon offers consumers a rebate of \$0.50 on the purchase of one “59oz. Florida’s Natural Orange Juice.” The terms of both coupons further state that a wine purchase is required. The offers expire September 30, 2016, and are limited to adults of legal drinking age.

OPINION: This office has reviewed the proposed rebate offers and has determined that only the first offer comports with applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code, 47 P.S. § 4-493(24)(i), and is acceptable for use in this Commonwealth. It would thus be permissible to conduct the first rebate promotion in the Commonwealth, in reference to the area checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the PLCB’s wine and spirits stores, subject to approval of the Bureau of Product Selection.

_____ other – Internet, text messaging.

With regard to the second coupon, which offers a rebate on orange juice, please be aware that promotions which require the purchase of both alcohol and a non-alcoholic product in order to receive a monetary rebate on the non-alcoholic product are generally not permitted because this would be an unlawful inducement in violation of section 493(24)(i). However, manufacturers or their agents may offer mail-in rebates which require the purchase of alcohol and a non-alcoholic product when the rebate is offered on the alcohol, rather than the non-alcoholic product. Please note that there are a very limited number of non-alcoholic products available for sale at the PLCB's wine and spirits stores.

Therefore, since the terms of the second offer indicate that the rebate of \$0.50 on an orange juice purchase is contingent on the purchase of wine, it would not be permissible in Pennsylvania.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,



RODRIGO J. DIAZ

CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Dale Horst, Director, Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-107